

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JEFFREY T. POPP

§

VS.

§

CIVIL ACTION NO. 1:08cv110

NATHANIEL QUARTERMAN

§

MEMORANDUM OPINION AND ORDER

Petitioner Jeffrey T. Popp, an inmate confined at the LeBlanc Unit, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner brings this petition challenging the validity of a state court conviction obtained in McLennan County, Texas. The magistrate judge entered an order directing the Clerk to transfer this action to the United States District Court for the Western District of Texas. Petitioner has filed objections to the transfer, asserting that he wishes for the case to remain in this district because the Honorable Jeffrey C. Manske, a magistrate judge in the Western District, is the husband of one of petitioner's prosecutors in state court.

Analysis

In accordance with 28 U.S.C. § 636(b)(1)(A), a judge of the court may reconsider any pretrial matter referred to a magistrate judge under subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

Having examined the allegations in petitioner's objections and the file in this action, the undersigned finds no support for petitioner's objections because Judge Manske is not the only magistrate judge in the Western District and petitioner's case has not yet been assigned. Petitioner's

grounds for review clearly challenge the validity of his McLennan County conviction and, thus, should be transferred to such forum. If petitioner's petition is assigned or referred to the concerned magistrate judge, petitioner may address such issue with the Western District. It is therefore

**ORDERED** that petitioner's objections to the order of transfer are **OVERRULED**. Accordingly, it is

**ORDERED** that the Clerk of Court shall transfer this action to the Waco Division of the United States District Court for the Western District of Texas.

So **ORDERED** and **SIGNED** this **25** day of **June, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge